

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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STB Finance Docket No. 35042

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EXEMPTION FOR U.S. RAIL CORPORATION

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NOTICE OF INTENT TO PARTICIPATE & CERTIFICATION OF SERVICE

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TO: The Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street NW, Suite 715  
Washington, DC 20423-0001

**PLEASE TAKE NOTICE** that the City of Paterson, New Jersey ("Paterson,") by its Department of Community Development, hereby enters its Notice of Intent to Participate and to provide comment in the above-entitled action, which U.S. Rail commenced by filing a verified notice of exemption on June 6, 2007. Paterson requests that notice of all further proceedings in said action be served upon the Law Department of the City of Paterson at the address below stated.

**PLEASE TAKE FURTHER NOTICE** that the Exemption sought by U.S. Rail is to operate on property against which eminent domain proceedings had already been commenced by the City of Paterson on April 25, 2007 in the Superior Court of New Jersey, and that those proceedings should properly go forward; that said property is near residential homes and thus does not appear to be a suitable location for the loading operation in question; and that assertions of facts in U.S. Rail's June 6, 2007 verified notice of exemption can be construed as misleading.

**PLEASE TAKE FURTHER NOTICE** that Paterson seeks to file its Protest / Opposition Statement by July 25, 2007, which is twenty (20) days after the July 5, 2007 date set by the Board, by which time U.S. Rail must file supplemental information.

**DATED** this 26th day of June, 2007.

SUSAN E. CHAMPION  
Corporation Counsel



BEN-DAVID SELIGMAN  
Assistant Corporation Counsel  
Law Department, City of Paterson  
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**CERTIFICATION OF SERVICE**

I, Ben-David Seligman, certify that a copy of this document, as submitted to the Board via electronic filing, was sent via first class mail to the Honorable Robert J. Passero, A.J.S.C. (Superior Court of New Jersey); John D. Heffner (counsel for U.S. Rail); David M. DeClement (NJ counsel for U.S. Rail); and G. Paul Moates (counsel for NYS & W).

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